

# Tanox, Inc.



10301 Stella Link  
Houston, TX 77025  
(713) 578-4182  
FAX (713) 578-5182

RECEIVED  
CENTRAL FAX CENTER

JAN 28 2005

## FAX TRANSMISSION COVER SHEET

Date: January 28, 2005

To: Examiner Susan Ungar

Company: US Patent & Trademark Office  
Technology Center 1600

Fax: (703) 872-9306

Sender: Cheryl A. Liljestrand

RE: U.S. Application No. 10/005,438

Attorney Docket No.: TNX95-02ABB

You should receive 2 page(s), including this cover.  
If you do not receive all pages, please call (713) 578-4182.

### Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306, on January 28, 2005. (Date)

Typed or printed name of person signing this certificate:

Cheryl A. Liljestrand

Signature: Cheryl A. Liljestrand

CONFIDENTIALITY NOTICE: The information contained in this facsimile is confidential and belongs to the sender. The information is intended for the use of the individual(s) or entity named above. Any disclosure, dissemination, copying, distribution, or unauthorized action in reliance upon this facsimile transmission is strictly prohibited. If you have received this communication in error, please be aware that these same obligations of confidentiality apply to you and immediately notify us by telephone. We will instruct you to return the original transmission documents to us via the U.S. Postal Service and we will reimburse you for the postage. Thank you.

**RECEIVED  
CENTRAL FAX CENTER**

JAN 28 2005

**PATENT**  
**ATTORNEY DOCKET NO.: 95-02ABB**  
**Customer No.: 26839****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In Re Application of:  
Liming YU et al.

Serial No.: 10/005,438

Filed: December 3, 2001

For: HYBRID WITH INTERFERON- $\alpha$  AND AN  
IMMUNOGLOBULIN Fc FOR  
TREATMENT OF TUMORS

Group Art Unit: 1642

Examiner: S. Ungar

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Dear Sir:**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Restriction Requirement mailed on October 28, 2004, Applicants elect Group I with traverse. Applicants do not contend that Interferon alpha or beta were novel at the time of filing, but rather that the concept of extending the half life of these molecules with an Fc fusion without the use of a linker was novel and unobvious at the time of filing. Thus, Applicants submit that the burden of search is minimal for the fusion molecule Interferon beta molecule for Group II. Moreover, the addition of a second molecule of interferon to the fusion adds no additional search burden. Therefore, Applicants request that the Restriction Requirement as to Groups I to IV be withdrawn.

Because this response is being filed within the 3-month time limit given in the Office Action, no fee should be due for filing this response. However, should a fee be necessary, please charge our deposit account #20-0087.

Respectfully Submitted

By: Cheryl A. Liljestrand  
Reg. No. 45,275

Dated: January 28, 2005.